

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**CHARLES W. PAK,  
Plaintiff,**

**v.**

**ETMC *et al.*,  
Defendants.**

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**CIVIL ACTION NO. 6:16-cv-014-RWS-  
KNM**

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**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge (“Report”), which contains her findings, conclusions, and recommendation for the disposition of this case, has been presented for consideration. The Report (Doc. No. 65) recommends that the City of Tyler, Tyler Police Department, East Texas Medical Center, Dr. Joseph Wassef, and Dr. Joseph Santo’s Motions to Dismiss be granted. Doc. Nos. 50, 51, 21, 53. The Report further recommends dismissing with prejudice all federal claims against these Defendants and dismissing without prejudice all state law claims against these Defendants. Finally, the Report recommends *sua sponte* dismissal with prejudice of all federal claims against Dr. Stuart Crutchfield, Dr. Karen Neiss, Dr. John Pouge, and the Smith County Sheriff’s Department, and dismissal without prejudice of all state law claims against them.

An acknowledgment of receipt card (Doc. No. 66) received by the Court reveals that Plaintiff received the Report and Recommendation no later than February 10, 2017. No party has filed written objections. The Court, having reviewed the Report and found no clear error, adopts the findings and conclusions of the Magistrate Judge as those of the Court. In light of the foregoing, it is

**ORDERED** that the City of Tyler, Tyler Police Department, East Texas Medical Center, Dr. Joseph Wassef, and Dr. Joseph Santo's Motions to Dismiss (Doc Nos. 50, 51, 52, and 53) be **GRANTED**. It is further **ORDERED** that all federal claims against these Defendants be **DISMISSED with prejudice** and that all state law claims against these Defendants be **DISMISSED without prejudice**. It is finally **ORDERED** that all federal claims against Dr. Stuart Crutchfield, Dr. Karen Neiss, Dr. John Pougé, and the Smith County Sheriff's Department be **DISMISSED with prejudice, sua sponte**, and that all state law claims against the same Defendants be **DISMISSED without prejudice, sua sponte**.

**SIGNED this 8th day of March, 2017.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE